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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,526	05/12/2006	Ralph Schlattl	A-9846	2039
=	7590 11/25/200 <b>ASSON &amp; GITLER,</b> P	EXAMINER		
CRYSTAL CENTER 2, SUITE 522			BRITTAIN, JAMES R	
2461 SOUTH CLARK STREET ARLINGTON, VA 22202-3843			ART UNIT	PAPER NUMBER
			3677	
			MAIL DATE	DELIVERY MODE
			11/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/564,526	SCHLATTL, RALPH
Office Action Summary	Examiner	Art Unit
	JAMES R. BRITTAIN	3677
The MAILING DATE of this communication appeariod for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tinwill apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 12 N  2a) This action is <b>FINAL</b> . 2b) This  3) Since this application is in condition for allowated closed in accordance with the practice under N	s action is non-final. ince except for formal matters, pro	
Disposition of Claims		
4)  Claim(s) <u>1-22</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) <u>1-22</u> are subject to restriction and/or	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	cepted or b) objected to by the land drawing(s) be held in abeyance. Section is required if the drawing(s) is objected to by the land drawing(s) is objected to be land drawing(s).	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority document 2. ☐ Certified copies of the priority document 3. ☐ Copies of the certified copies of the priority document application from the International Bureat * See the attached detailed Office action for a list	ts have been received. ts have been received in Application trity documents have been receive tu (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal F 6) Other:	ate

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This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1 comprising figures 1-8;

Species 2 comprising figures 9-16;

Species 3 comprising figures 17-24;

Species 4 comprising figures 25-32;

Species 5 comprising figures 33-36;

Species 6 comprising figures 37-40;

Species 7 comprising figures 41-49;

Species 8 comprising figures 50-54;

Species 9 comprising figures 55-59; and

Species 10 comprising figures 60-63.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

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Species 1 corresponds to claims 1-4, 11 and 19-22; Species 2 corresponds to claims 1-3, 5-7, 12 and 19-22; Species 3 corresponds to claims 8-10, 14 and 22; Species 4 corresponds to claims 8-10, 13-15 and 22; Species 5 corresponds to claims 8-10, 13-16 and 22; Species 6 corresponds to claims 8-10, 13-17 and 22; Species 7 corresponds to claims 8-10, 13-17 and 22; Species 8 corresponds to claims 8-10, 13-18 and 22; Species 9 corresponds to claims 1-3, 5-7, 12 and 19-22; and Species 10 corresponds to claims 1-3, 5, 6, 12 and 19-22.
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The following claim(s) are generic: No claim is generic to all species. Claim 22 is examinable only through those dependent claims reading on the elected species.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each of the species of holders utilizes a unique combination comprising a specific retainer for the lighter or a unique integral formation with the body of the lighter in combined with a specific attachment feature for securement to a box. Therefore, there is no special technical feature.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. BRITTAIN whose telephone number is (571)272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/ Primary Examiner, Art Unit 3677

**JRB**